

SCHEDULE 2

Article 3

The modifications and adaptations of Schedule 4 to the Act referred to in this Order are:–

1. For paragraph 2 of Schedule 4 there is substituted–

“In the construction of the works described in Schedule 1 to the Scottish Water (Mill Loch) Water Order 2005, Scottish Water may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plan and it may also deviate vertically from the levels shown on the deposited plan to any extent:

Provided that–

- (a) no control building shall be constructed at a greater height above the general surface of the ground than that shown on the deposited plan and 2 metres in addition thereto; and
- (b) except for the purposes of crossing a stream, canal, dyke, watercourse or railway, or of crossing any lands where the consent of all persons interested in those lands has been obtained, no pipe or other conduit or aqueduct shall be raised above the surface of the ground otherwise than in accordance with the deposited plan.”.

2. For paragraph 10(3) of Schedule 4 there is substituted–

“If Scottish Water–

- (a) fails to construct or maintain in good order the approved gauge mentioned in the Scottish Water (Mill Loch) Water Order 2005, or refuses to allow any person interested to inspect and examine that gauge or any records made thereby or kept by it in connection therewith or to take copies of any such records; or
- (b) takes any water contrary to the provisions of the Scottish Water (Mill Loch) Water Order 2005,

it shall, without prejudice to its civil liability, if any, to a person aggrieved, be liable, in the case of an offence under paragraph (a) of this subparagraph, on summary conviction to a fine not exceeding level 3 on the standard scale, and, in the case of an offence under paragraph (b) of this subparagraph–

- (i) on summary conviction, to a fine not exceeding the statutory maximum; and
- (ii) on conviction on indictment to a fine.”.